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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,979	12/10/2003	Anilkumar Gunturu	350078.412	6437

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
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SEATTLE, WA 98104-7092

EXAMINER
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DINH, KHANH Q

ART UNIT	PAPER NUMBER
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2151

MAIL DATE	DELIVERY MODE
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01/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/731,979	<b>Applicant(s)</b> GUNTURU, ANILKUMAR	
	<b>Examiner</b> Khanh Dinh	<b>Art Unit</b> 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/6/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This is in response to the Amendment filed on 11/6/2007. Claims 1-31 are presented for examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeBettencourt et al, US Pub. No.2005/0060372 A1 (hereafter DeBettencourt) in view of Coughlin, US Pub. No.2004/0024861 A1.

As to claim 1, DeBettencourt discloses method, comprising:

examining a packet to determine if the packet contains extensible markup language

(XML)-related content (monitoring incoming data using stream sensor, see abstract, fig.4, [0054] to [0056]);

if any XML-related content is determined to be present, matching that XML-related content to a rule and undertaking said routing an action specified by the matching rule (monitoring incoming XML message according with the rules, see [0055] to [0061]).

DeBettencourt does not specifically disclose a routing action to apply to a packet to balance load.

Coughlin in the same network environment discloses a routing action to apply to a packet to

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balance load (using an XML message to control the load applied to servers, see [0016] to [0024].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Coughlin's teachings into the computer system of DeBettencourt to balance the load because it would have been increased the efficiency of handling of the handling of the data request distributed connections and sessions to various servers in a communication network.

As to claim 2, DeBettencourt discloses undertaking said action includes determining which server to forward the packet (see [0062] to [0066] and [0074] to [0077]).

As to claims 3 and 4, DeBettencourt discloses examining the packet includes at least one of examining a header of the packet and examining a body of the packet and wherein examining the packet includes reading the packet to determine if any at least one of an XML tag and an XML attribute is present therein (see [0081] to [0086] and [0095] to [0096]).

As to claims 5 and 6, DeBettencourt discloses examining the packet includes examining a request to determine if the request includes an indication of an XML representation of a resource being requested and wherein examining the packet includes examining a hypertext transfer protocol (HTTP) packet (see fig.11, [0098] to [0101]).

As to claims 7 and 8, DeBettencourt discloses examining the HTTP packet includes examining a simple object access protocol (SOAP) message in the HTTP packet to determine if the SOAP

message encapsulates XML-related content and decrypting the packet prior to examining the packet (see [0038] to [0040] and [0102]).

As to claims 9 and 10, DeBettencourt discloses examining the packet includes examining XML root and node elements of the packet to identify content that can be matched to at least one rule and defining a plurality of simple rules that can be related to one another to form a complex rule, wherein at least one of the simple rules is specific to XML-related content (see [0062] to [0066] and [0074] to [0077]).

As to claim 11, DeBettencourt discloses undertaking the routing action on said packet as specified by the matching rules including at least one of performing a delayed binding operation and buffering packets until information for load balancing is received, load balancing multiple XML applications, differentiating service of packets based on their XML-related content, and prioritizing transactions based on XML-related content of packets (see [0081] to [0086] and [0095] to [0097]).

As to claim 12, DeBettencourt discloses examining the packet to identify non-XML-related content; matching the non-XML-related content to corresponding rules and determining the action to undertake based on the rules corresponding to the XML-related content and to the non-XML-related content (see [0081] to [0086] and [0095] to [0096]).

As to claim 13, DeBettencourt discloses a method, comprising:

examining a packet to identify indicia present therein that is associated with a structured document format (monitoring incoming XML data using stream sensor, see abstract, fig.4, [0054] to [0056]);

comparing data from the indicia with a set of rules to identify at least one of the rules that matches that data and undertaking said routing action with on the packet as specified by said at least one rule that matches the data (monitoring incoming XML message according with the rules, see [0055] to [0061]).

DeBettencourt does not specifically disclose a routing action to apply to a packet to balance load. Coughlin in the same network environment discloses a routing action to apply to a packet to balance load (using an XML message to control the load applied to servers, see [0016] to [0024]. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Coughlin's teachings into the computer system of DeBettencourt to balance the load because it would have been increased the efficiency of handling of the handling of the data request distributed connections and sessions to various servers in a communication network.

As to claims 14 and 15, DeBettencourt discloses examining the packet to identify indicia present therein that is associated with the structured document format includes examining a packet having XML-related content present therein and examining the packet to identify indicia includes examining at least one of header and body portions of the packet to locate either or both an XML tag and an XML attribute (see [0081] to [0086] and [0095] to [0096]).

As to claims 16 and 17, DeBettencourt discloses comparing the data from the indicia includes at

least one of comparing a string in either or both the XML tag and XML attribute, or comparing a string marked by either or both the XML tag and XML attribute, with the set of rules and defining a set of commands that specify a manner in which the structured document format is to be examined (see [0062] to [0066] and [0074] to [0077]).

As to claim 18, DeBettencourt discloses defining a plurality of first rules, at least some of which are associated with the structured document format and at least some of which are not associated with the structured document format and defining a plurality of second rules, at least some of which are made up of several first rules; and specifying an action to undertake for each of the second rules, if content of packets match the second rules (see [0081] to [0086] and [0095] to [0096]).

Claims 19-22 are rejected for the same reasons set forth in claims 13, 14, 18 and 1 respectively.

As to claim 23, DeBettencourt discloses means for examining the packet includes at least one of a means for examining a header of the packet and a means for examining a body of the packet, such means for examining the header and body of the packet including at least one of a means for reading the packet to determine if any at least one of an XML tag and an XML attribute is present therein (see [0081] to [0086] and [0095] to [0096]).

As to claim 24, DeBettencourt discloses means for decrypting the packet if the packet includes encrypted content (see [0102] and [0169] to [0171]).

As to claim 25, DeBettencourt discloses means for storing plural ones of said rule each respectively specifying a different routing action to apply to said packet (see [0102] and [0169] to [0171]).

Claims 26-29 are rejected for the same reasons set forth in claims 12, 11, 1 and 8 respectively.

As to claim 30, DeBettencourt discloses a data structure accessible by the processor to store rules that specify actions to undertake if certain XML-related content is present in packets (see [0062] to [0066] and [0074] to [0077]).

As to claim 31, DeBettencourt discloses the data structure stores rules that are non-XML-related content, the first element being capable to examine the packet for the non-XML-related content, the second element being capable to match the non-XML-related content of the packet to at least one corresponding rule, the third element being capable to determine the action to undertake based on an evaluation of a combination of rules pertaining to XML-related content and non-XML-related content present in the packet (see [0081] to [0086] and [0095] to [0096]).

***Other prior art cited***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Moon et al, US pub. No.2004/0078105 A1.



b. Pombo et al, US pub. No.2004/0054569 A1.

*Response to Arguments*

5. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Conclusion***

7. Claims 1-31 are rejected.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this action should be mailed to:**  
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Alexandria, VA 22313-1450

  
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